

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 581 PERMIT 287 LICENSE 2817

**ORDER TO DELETE POINT OF DIVERSION,
CORRECT PLACE OF USE AND
AMEND LICENSE**

WHEREAS:

1. License 2817 was issued to the Sutter Mutual Water Company on March 6, 1946 pursuant to Application 581 and was recorded with the County Recorder of Sutter County on March 19, 1946.
2. An inspection of the project was conducted by the State Water Resources Control Board (State Water Board) staff on June 6, 1991. Staff determined that point of diversion No. 3 has been abandoned and should be deleted from this license. Staff also recommended the description for the place of use (POU) should be corrected to correspond to the POU as shown on a map dated January 8, 1965, which is on file with State Water Board.
3. The State Water Board has determined that said corrections will not constitute a new right nor operate to the injury of any other lawful user of water and that good and sufficient causes has been shown for said corrections.
4. The Sutter County Recorder should be notified of the corrective actions.
5. The license condition pertaining to the continuing authority of the State Water Board does not conform to the current common law public trust doctrine as contained in Title 23, California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The description of the points of diversion under this license be corrected to read:
 - (1) FRANK LAMB PUMP - South four thousand eight hundred nineteen (4,819) feet and West seven hundred eighty (780) feet from NE corner of Section 26, T14N, R1E, MDB&M, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 26. Also described as California Coordinate System, Zone 2, N 495,800 and E 2,050,800.
 - (2) TISDALE PUMPING PLANT - South fifty-six degrees thirty-five minutes West (S56°35'W) three thousand four hundred forty-five (3,445) feet from N $\frac{1}{4}$ corner of Section 36, T14N, R1E, MDB&M, being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 35, T14N, R1E, MDB&M. Also described as California Coordinate System, Zone 2, N 493,400 and E 2,051,400.

(4) STATE RANCH BEND PUMPING PLANT - South seventy-four degrees forty-seven minutes East (S74°47'E) three thousand six hundred ninety-one (3,691) feet from W $\frac{1}{4}$ corner of Section 21, T12N, R2E, MDB&M, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 21. Also described as California Coordinate System, Zone 2, N 438,500 and E 2,070,500.

(5) PORTUGUESE BEND PUMPING PLANT - South twenty-five degrees twenty-two minutes, fifty-six seconds West (S25°22'56"W) three thousand five hundred sixteen and eighty-four hundredths (3,516.84) feet from the NE corner of fractional Section 13, T11N, R2E, MDB&M, being within E $\frac{1}{4}$ of said Section 13 and approximately at Mile 32.49L of Sacramento-San Joaquin Water Supervision Records. Also described as California Coordinate System, Zone 2, N 412,300 and E 2,086,800.

2. The description of the place of use under this license be corrected to read:

50,544 acres within the boundaries of the Sutter Mutual Water Company lands being within T11N, R2E and R3E; T12N, R2E, and R3E; T13N, R1E, R2E, and R3E; and T14N, R1E and R2E, MDB&M.

3. The Sutter County Recorder shall be notified of the corrective actions.
4. The existing continuing authority condition in this license be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: **NOVEMBER 17 1992**

Ed C. Anton
for, Edward C. Anton, Chief
Division of Water Rights

ORDER

APPLICATION 581PERMIT 287LICENSE 2817

ORDER ALLOWING CHANGE IN POINTS OF DIVERSION
AND CHANGE IN PLACE OF USE

WHEREAS License 2817 was issued to Sutter Mutual Water Company and was filed with the County Recorder of Sutter County on March 19, 1946, and

WHEREAS the State Water Rights Board has found that the change in points of diversion and change in place of use under said license for which petitions were submitted on December 4, 1952, will not operate to the injury of any other legal user of water, and

WHEREAS the Board has approved and allowed said changes and has directed that an order be issued to describe said changes in accordance with said petitions;

NOW THEREFORE IT IS ORDERED that permission be and the same is hereby granted to change the points of diversion under said License 2817 to points of diversion described as follows, to wit:

- (1) FRANK LAMB PUMP - SOUTH FOUR THOUSAND EIGHT HUNDRED NINETEEN (4819) FEET AND WEST SEVEN HUNDRED EIGHTY (780) FEET FROM NE CORNER OF SECTION 26, T14N, R1E, MDB&M, BEING WITHIN $SE\frac{1}{4}$ OF $SE\frac{1}{4}$ OF SAID SECTION 26.
- (2) TISDALE PUMPING PLANT - SOUTH FIFTY-SIX DEGREES THIRTY-FIVE MINUTES WEST ($S56^{\circ} 35' W$) THREE THOUSAND FOUR HUNDRED FORTY-FIVE (3445) FEET FROM $N\frac{1}{4}$ CORNER OF SECTION 36, T14N, R1E, MDB&M, BEING WITHIN $SE\frac{1}{4}$ OF $NE\frac{1}{4}$ OF SECTION 35, T14N, R1E, MDB&M.
- (3) NORTH ONE DEGREE THREE MINUTES FOURTEEN SECONDS EAST ($N1^{\circ} 03' 14'' E$) TWO THOUSAND FIVE HUNDRED EIGHTY-EIGHT AND TWENTY-TWO HUNDREDTHS (2588.22) FEET FROM SW CORNER OF SECTION 7, T13N, R2E, MDB&M, BEING WITHIN $NW\frac{1}{4}$ OF $SW\frac{1}{4}$ OF SAID SECTION 7.

5

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

ORDER

APPLICATION 581PERMIT 287LICENSE 2817

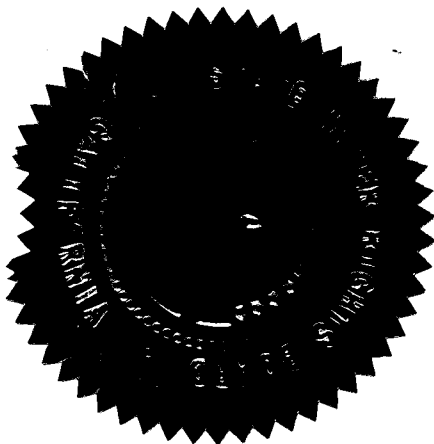
- (4) STATE RANCH BEND PUMPING PLANT - SOUTH SEVENTY-FOUR DEGREES FORTY-SEVEN MINUTES EAST ($S74^{\circ} 47' E$) THREE THOUSAND SIX HUNDRED NINETY-ONE (3691) FEET FROM $W\frac{1}{4}$ CORNER OF SECTION 21, $T12N$, $R2E$, $MDB\&M$, BEING WITHIN $NW\frac{1}{4}$ OF $SE\frac{1}{4}$ OF SAID SECTION 21.
- (5) PORTUGUESE BEND PUMPING PLANT - SOUTH TWENTY-FIVE DEGREES, TWENTY-TWO MINUTES, FIFTY-SIX SECONDS WEST ($S25^{\circ} 22' 56'' W$) THREE THOUSAND FIVE HUNDRED SIXTEEN AND EIGHTY-FOUR HUNDREDTHS (3,516.84) FEET FROM THE NE CORNER OF FRACTIONAL SECTION 13, $T11N$, $R2E$, $MDB\&M$, BEING WITHIN $E\frac{1}{2}$ OF SAID SECTION 13 AND APPROXIMATELY AT MILE 32.49L OF SACRAMENTO-SAN JOAQUIN WATER SUPERVISION RECORDS.

IT IS FURTHER ORDERED that permission be and the same is hereby granted to change the place of use under said License 2817 to a place of use described as follows, to wit:

50,543.755 ACRES WITHIN THE BOUNDARIES OF THE SUTTER MUTUAL WATER COMPANY LANDS BEING WITHIN $T11N$, $R2E$, $T12N$, $R2E$ AND $R3E$, $T13N$, $R1E$, $R2E$ AND $R3E$, AND $T14N$, $R1E$ AND $R2E$, $MDB\&M$.

WITNESS my hand and the seal of the State Water Rights Board of the State of California this 8th day of January, 1965

L. K. Hill
L. K. Hill
Executive Officer



ORDER

APPLICATION 581PERMIT 287LICENSE 2817ORDER ALLOWING CHANGE IN POINTS OF DIVERSION

Licensee having established to the satisfaction of the State Water Rights Board that the change in points of diversion under Application 581, Permit 287, License 2817 for which petition was submitted on June 4, 1958 will not operate to the injury of any other legal user of water, the Board so finds, and

IT IS ORDERED that permission be and the same is hereby granted to change the points of diversion under said Application 581, Permit 287, License 2817 to points of diversion described as follows, to wit:

1. TISDALE PLANT: SOUTH FIFTY-SIX DEGREES, THIRTY-FIVE MINUTES WEST ($S56^{\circ}35'W$) THIRTY-FOUR HUNDRED FORTY-FIVE (3445) FEET FROM THE NORTH ONE-QUARTER CORNER OF SECTION 36, T14N, R1E, MDB&M, BEING WITHIN THE $SE\frac{1}{4}$ OF $NE\frac{1}{4}$ OF SECTION 35, T14N, R1E, MDB&M.
2. STATE RANCH BEND PLANT: SOUTH SEVENTY-FOUR DEGREES, FORTY-SEVEN MINUTES EAST ($S74^{\circ}47'E$) THIRTY-SIX HUNDRED NINETY-ONE (3691) FEET FROM THE WEST ONE-QUARTER CORNER OF SECTION 21, T12N, R2E, MDB&M, BEING WITHIN THE $NW\frac{1}{4}$ OF $SE\frac{1}{4}$ OF SAID SECTION 21, BEING ALSO WITHIN LOT 22 OF SUTTER BASIN SUBDIVISION NO. 4.
3. PORTUGUESE BEND PLANT: NORTH EIGHT DEGREES, THIRTY-FOUR MINUTES EAST ($N8^{\circ}34'E$) SIXTEEN HUNDRED EIGHTY (1680) FEET FROM THE SOUTH-WEST CORNER OF SECTION 18, T11N, R3E, MDB&M, BEING WITHIN THE $NW\frac{1}{4}$ OF $SW\frac{1}{4}$ OF SAID SECTION 18, BEING ALSO WITHIN LOT 31 OF SUTTER BASIN SUBDIVISION NO. 1.
4. SOUTH TWENTY-FIVE DEGREES, TWENTY-TWO MINUTES, FIFTY-SIX SECONDS WEST ($S25^{\circ}22'56''W$) THREE THOUSAND FIVE HUNDRED SIXTEEN AND EIGHTY-FOUR HUNDREDTHS (3,516.84) FEET FROM NE CORNER OF FRACTIONAL SECTION 13, T11N, R2E, MDB&M, BEING WITHIN $E\frac{1}{2}$ OF SAID SECTION 13 AND

3

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

ORDER

APPLICATION 581

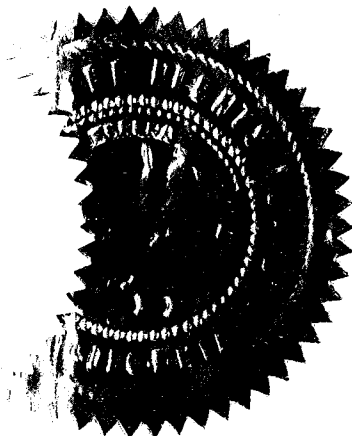
PERMIT 287

LICENSE 2817

APPROXIMATELY AT MILE 32.49L OF SACRAMENTO-SAN JOAQUIN WATER
SUPERVISION RECORDS.

WITNESS my hand and the seal of the State Water Rights Board of
the State of California this 9th day of December, 1958

L. K. Hill
L. K. Hill
Executive Officer



4



STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

License for Diversion and Use of Water

LICENSE 2817

PERMIT 287

APPLICATION 581

THIS IS TO CERTIFY, That Sutter Mutual Water Company, Robbins, California

Notice of Assignment (Over)

has made proof as of September 12, 1945
(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the waters of
Sacramento River in Sutter County
tributary to Suisun Bay

for the purpose of irrigation
under Permit 287 of the Department of Public Works and that said right to the use of said waters has
been perfected in accordance with the laws of California, the rules and regulations of the Department of Public Works
and the terms of the said permit; that the priority of the right herein confirmed dates from February 1, 1917;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed forty-five (45) cubic feet
per second from about March 1 to about October 31 of each season.

In case of rotation the equivalent of such continuous flow allowance for any thirty
day period may be diverted in a shorter time if there be no interference with other
vested rights.

This license is based on the use of water made during the year 1943 which was the
year of maximum use within the three year period immediately preceding the date of
of inspection.

The points of diversion of such water are located as follows:

TISDALE PLANT: South fifty-six degrees, thirty-five minutes West (S.56° 35' W.) thirty
four hundred forty-five (3445) feet from the north one-quarter corner of Section 36,
T 14 N, R 1 E, M.D.B. & M., being within the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 35, T 14 N, R 1 E,
M.D.B. & M.

STATE RANCH BEND PLANT: South seventy-four degrees, forty-seven minutes East (S.74°
47' E.) thirty-six hundred ninety-one (3691) feet from the West one-quarter corner of
Section 21, T 12 N, R 2 E, M.D.B. & M. being within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 21,
being also within Lot 22 of Sutter Basin Subdivision No. 4.

PORTUGUESE BEND PLANT: North eight degrees, thirty-four minutes East (N.8° 34' E.)
sixteen hundred eighty (1680) feet from the Southwest corner of Section 18, T 11 N,
R 3 E, M.D.B. & M. being within the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 18; being also within
Lot 31 of Sutter Basin Subdivision No. 1.

A description of the lands or the place where such water is put to beneficial use is as follows:

44,225.95 acres in Township 14 North, Ranges 1 and 2 East; Township 13 North,
Ranges 1, 2 and 3 East; Township 12 North, Ranges 2 and 3 East; Township 11 North,
Ranges 2 and 3 East, M.D.B. & M., as shown on Map entitled "Sutter Basin Company"
filed with the State Engineer.

All rights and privileges under this license including method of diversion, method of use and quantity of water
diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance
with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or
unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from
time to time by the State Engineer.

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of diversion
herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property can not agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.



Witness my hand and the seal of the Department of Public
Works of the State of California, this 6th
day of March, 1946

EDWARD HYATT, State Engineer

Edward Hyatt
By *Edward Hyatt*
Deputy State Engineer

10-13-66 RECEIVED NOTICE OF ASSIGNMENT TO *Frank Lamb Trust*
Lane

*7-18-75 Name of Frank Lamb
chgd to Estate of Frank Lamb*

8-2-76

*INT OF ESTATE OF FRANK
LAMB HSGD TO CAROL KARY
+ JAMES LEATHERS, TRUSTEES
FOR FRANK LAMB TRUST*

*8-9-76 INT OF FAY LAMB DROPPED
1-18-82 Ownership conv. to Sutter Mutual Water Co. +
Frank Lamb Trust*

2817

LICENSE

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

LICENSE
TO APPROPRIATE WATER

ISSUED TO Sutter Mutual Water Company

DATED March 6, 1946

2